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RECEIVED

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

MAY 27 2004

Applicant : Jorma A. Virtanen
Appl. No. : 09/819,036
Filed : February 20, 2001
For : CASSETTE AND APPLICATOR
FOR BIOLOGICAL AND
CHEMICAL SAMPLE
COLLECTION
Examiner : Max F. Hindenburg
Group Art Unit : 3736

CERTIFICATE OF MAILING ~~OFFICE OF PETITIONS~~

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 20, 2004

(Date)

Drew S. Hamilton
Drew S. Hamilton, Reg. No. 29,801

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Mail Stop Petition

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on June 26, 2003, which set a December 26, 2003 period for response. The abandonment date of this application is December 27, 2003 (i.e., the day after the expiration of the date of the period set for response, plus any extensions of time obtained therefor).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee
(X) Small entity - fee \$665
The present application qualifies for small entity status under 37 C.F.R. § 1.27.
2. Proposed response and/or fee. The proposed response and/or fee to the above-noted Office Action in the form of Amendment:

(X) is enclosed herewith.

The fee has been calculated as shown below:

CLAIMS AS FILED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	46	—	131	= 0 ×	\$9	= \$0
Independent Claims	2	—	5	= 0 ×	\$43	= \$0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0

3. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.
4. Also enclosed are:
- (X) Power of Attorney from Nagaoka & Co., Ltd., partial assignee, in 1 page.
 - (X) Power of Attorney from Burstein Technologies, Inc., partial assignee, in 1 page.
 - (X) Statement under 37 CFR 3.73(b) in 2 pages, with attached copy of assignment in 2 pages.
 - (X) Return prepaid postcard.
 - (X) A check in the amount of \$665.00 is enclosed.

Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 20, 2004

By: Drew S. Hamilton
Drew S. Hamilton
Registration No. 29,801
Attorney of Record
Customer No. 20,995
(619) 235-8550

NAGACO.044C1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jorma A. Virtanen
Appl. No. : 09/819,036
Filed : February 20, 2001
For : CASSETTE AND APPLICATOR
FOR BIOLOGICAL AND
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Examiner : Max F. Hindenberg
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STATEMENT UNDER 37 C.F.R. § 3.73(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Nagaoka & Co., LTD., a Japanese Corporation, states that it is an assignee of one half of the entire right, title and interest in the above-referenced patent application by virtue of a chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. All right, title, and interest was assigned from the inventors to Burstein Technologies, Inc., for which a copy thereof is attached.
2. An undivided one half of the entire right, title, and interest was assigned from Burstein Technologies, Inc. to Nagaoka & Co., LTD. The document was recorded in the United States Patent and Trademark Office at Reel 014192, Frame 0310.

For the attached Assignment that has not yet been recorded by the Assignment Division of the U.S. Patent and Trademark Office, a separate copy of the assignment is being submitted to the Assignment Division in accordance with 37 C.F.R. Part 3 to be recorded in the records of the U.S. Patent and Trademark Office.

Appl. No. : 09/819,036
Filed : February 20, 2001

The undersigned, whose title is supplied below, is authorized to act on behalf of the assignee. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

May 20, 2004

By:

Drew S. Hamilton

Drew S. Hamilton
Registration No. 29,801
Attorney of Record
Customer No. 20,995
(619) 235-8550

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Docket No.: NAGACO



Customer No. 20995

POWER OF ATTORNEY

RECEIVED

MAY 27 2004

OFFICE OF PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is an empowered representative of a partial Assignee having a right, title and interest in an application or patent. As defined by 37 C.F.R. § 3.71(b)(2), said partial Assignee is of record and obtains less than the entire right, title and interest in the application or patent referred to in the attached Statement Under 37 C.F.R. § 3.73(b).

By this paper, the Assignee is revoking any previous powers of attorney granted by the Assignee and granting power of attorney to Knobbe, Martens, Olson & Bear, LLP for the purposes of continued prosecution of an application or patent co-owned by an individual or company under the representation of Knobbe, Martens, Olson & Bear, LLP. This paper does not serve as an agreement or acknowledgement of legal representation by Knobbe, Martens, Olson & Bear, LLP. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 CFR § 3.71.

A Statement Under 37 CFR 3.73(b), signed by a registrant of Knobbe, Martens, Olson & Bear, LLP, is attached setting forth a full chain of title for the subject application owned by the Assignee named below.

By: 

Date: 

Name: Richard Burstein *BURSTEIN TECHNOLOGIES* Title: CEO

Assignee: BURSTEIN TECHNOLOGIES, INC.
163 West Technology Dr., Ste. 200
Irvine, California 92618

POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is an empowered representative of a partial Assignee having a right, title and interest in an application or patent. The Assignee hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, Customer No. 20,995, as attorneys and agents to represent the Assignee before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned in whole or in part to the Assignee according to the USPTO assignment records or assignment documents supplied with an accompanying Statement Under 37 CFR 3.73(b). This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 CFR § 3.71.

A Statement Under 37 CFR 3.73(b), signed by a registrant of Knobbe, Martens, Olson & Bear, LLP, is attached setting forth a full chain of title for the subject application partially owned by the Assignee named below.

Please change the correspondence address for the above-identified application to Customer No. 20995.

By: H. Kitamura

Date: March 2nd, 2004

Name: HIDEO KITAMURA

Title: EXECUTIVE MANAGING DIRECTOR

Assignee: NAGAOKA & CO., LTD.
7-18, Nishinomiyahama 4-Chome, Nishinomiya-Shi, Hyogo,
Japan 662-0934



USSN: 09/139,213
Attorney Docket No: BT11 98100701(US)US

PATENT

ASSIGNMENT OF APPLICATION AND PATENT

WHEREAS, I, Jorma A. Virtanen residing at 965 E. Cottage Grove, Las Vegas, NV 89119, have invented a certain new and useful CASSETTE AND APPLICATOR FOR BIOLOGICAL AND CHEMICAL SAMPLE COLLECTION, for which I have made application for Letters Patent of the United States as fully set forth and described in the specification filed in the United States Patent and Trademark Office on August 24, 1998 and assigned Serial No. 09/139,213;

WHEREAS, Burstein Technologies, Inc., a Delaware Corporation duly organized and existing under and by virtue of the laws of the State of Delaware, and having a place of business at 163 Technology Drive, Suite 200, Irvine, California 92618, is desirous of acquiring the entire interest in and to said invention and the Letters Patent to be had therefor;

NOW THEREFORE, to all whom it may concern, be it known, that for good and valuable consideration, to me in hand paid, the receipt of which is hereby acknowledged, I, said Jorma A. Virtanen have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer, and set over unto said Burstein Technologies, Inc., the whole right, title, and interest in and to said CASSETTE AND APPLICATOR FOR BIOLOGICAL AND CHEMICAL SAMPLE COLLECTION and any and all improvements disclosed in the aforesaid application for patent, as fully set forth and described therein, and all divisional, continuing, substitute, renewal, reissue, and all other applications for Letters Patent derived from the aforesaid application which have been or shall be filed in the United States and in and to the United States Letters Patent to be issued thereon for the territory of the United States, and all corresponding foreign counterpart applications derived from the aforesaid United States patent application as prepared for and filed in any and all foreign countries, said whole right, title, and interest in and to said CASSETTE AND APPLICATOR FOR BIOLOGICAL AND CHEMICAL SAMPLE COLLECTION being the same for said Burstein Technologies, Inc.'s own use and for the use of its assigns, successors, and legal representatives to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

And I, for myself, my heirs, assigns, and legal representatives hereby covenant to and with said assignee Burstein Technologies, Inc., its assigns, successors, and legal representatives, that I have full right to sell and assign the whole right, title, and interest in and to said invention and the Letters Patent to be had therefor and that the entire interest herein conveyed is free from all prior assignment, grant, mortgage, license, or other encumbrance whatsoever. And I also, for myself, my heirs, assigns, and legal representatives hereby further

PATENT

covenant to and with said assignee Burstein Technologies, Inc., its assigns, successors, and legal representatives to fully cooperate therewith in the prosecution of the aforesaid application in the United States Patent and Trademark Office and in any and all foreign jurisdictions, said cooperation extending to any U.S. or foreign divisional, continuing, substitute, renewal, reissue or any other application derived from the aforesaid application, and including the execution of additional declarations, assignments, and other formal documents as may be required in connection therewith.

And I do hereby authorize and request the United States Commissioner of Patents to issue Letters Patent to said Burstein Technologies, Inc., as the assignee of my entire right and title therein.

In Testimony Whereof, I have hereunto set my hand and seal on the day and month of the year 2003 as indicated below.

J. Virtanen L.S. Date: 7/18/03
Jorma A. Virtanen

The undersigned hereby certifies that he personally witnessed the foregoing signature.

Witnessed By: Jacquelyn Campbell on this 18 day of July, 2003.
Jacquelyn Campbell

